

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8581 of 2007

24.4.2007

Between:

Revelli Gram Panchayat, Karimnagar District, represented by its
Sarpanch – Sri A.Janardhan

... Petitioner

AND

The Government of Andhra Pradesh, represented by its
Chief Commissioner of Land Administration, Andhra Pradesh,
Nampally, Hyderabad And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

Revelli Gram Panchayat, represented by its sarpanch, assails Karimnagar District Gazette notification No.19, dated 20.6.2002, issued by the Chief Commissioner of Land Administration (CCLA) insofar as the same purports to divide Pedacheruvu water tank in two halves as illegal and contrary to Section 3(1) of Andhra Pradesh Panchayat Raj Act, 1994 (the Act, for brevity).

The petitioner Gram Panchayat, fifth respondent Gram Panchayat and Thummapalli Gram Panchayat initially form part of Rangampet revenue village and Gram Panchayat. In 1978, petitioner Gram Panchayat was bifurcated and fifth respondent revenue village was also included in the same Gram Panchayat. The water body known as Pedacheruvu in Revelli comprised in survey No.1143 admeasuring Acs.218.30 gts has been statedly used exclusively by the villagers of Revelli as form part of Revelli local area. When fifth respondent started interfering with Pedacheruvu tank and raised dispute, District Collector called for report from the Mandal Revenue Officer (MRO), Choppadandi, through the Revenue Divisional Officer (RDO). The MRO submitted report dated 07.3.2006. Based on the same, the RDO addressed a letter to the District Collector on 21.3.2007 stating that Pedacheruvu has been divided into two equal parts and further opined that the tank was divided into two equal halves. After coming to know about this report, petitioner Gram Panchayat obtained report and filed the present writ petition.

Learned Counsel for petitioner submits that since times immemorial residents of Revelli village alone were having exclusive right to use the water and fishing rights in Pedacheruvu tank and the said tank cannot be divided or distributed. He also submits that even after bifurcation in 1978, Pedacheruvu remained with local area and, therefore, division of tank now into to halves is illegal and arbitrary. Alternatively, he pleads that the impugned notification is a preliminary

notification inviting objections and, therefore, petitioner may be permitted to file objections with CCLA.

The impugned notification is purportedly issued under subsections (4) and (5) of Section 3 of Andhra Pradesh District (Formation) Act, 1974. While notifying proposal to divide various survey numbers in Revelli village from among Revelli, Kurmapalli and Desaipet, it was indicated that survey No.1143 admeasuring Acs.18.30 gts would be divided between petitioner Gram Panchayat and fifth respondent Gram Panchayat. Objections were invited before expiry of thirty days. The notification was issued on 20.6.2002 and, therefore, the time specified for filing objections expired on 20.7.2002. Therefore, at this point of time, question of filing objections would not arise. Secondly, as seen from the report dated 21.3.2007 submitted by the RDO to the District Collector, Rangampet was already divided into four separate Gram Panchayats and the bund of the tank was divided into two equal parts. This only shows that the final notification was also issued. Therefore, at this point of time, this Court cannot go into the questions raised in the writ petition. Nextly as held by the Supreme Court in **J.R.Raghupathy v State of A.P.**^[1] questions of division of revenue villages for convenient administration is an issue which lacks adjudicative disposition and is not justiceable. Ordinarily, a petition for judicial review for such issues would not lie.

For the above reasons, the writ petition is misconceived and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

April 24, 2007.
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^[1] AIR 1988 SC 1681